

sequence listing, support for proteins comprising repeated WD-40 motifs in original Claim 1 and on page 2, lines 26-28, description of antisense nucleic acids is found on page 2, lines 18 and 37 and in Example 4 on page 16, and support for hybridization conditions is found in the specification at page 12, lines 10-14. Support for Claims 16-19 is found in original Claims 1-3 and on page 2, lines 19 and 20 of the specification. Claim 20 also finds support on page 2, line 12-18 of the specification. The vectors, host cells and plants of Claims 21-28 find support in original Claims 4-7 and throughout the specification. Support for Claim 29 is found at page 5, lines 21-31 and in Fig. 1b (compare the Box II sequences of the different proteins). Accordingly, the Applicants do not believe that any new matter has been added.

The Applicants thank Examiner Collins for the courteous and helpful interview of September 11, 2002. As suggested, independent Claim 12 has been revised to refer to SEQ ID NO: 1 or to nucleic acid sequences having structural similarity as defined by hybridization conditions and which have a similar utility to the nucleic acid sequences encoding ccs52Ms and ccs52Mt. As also suggested, the term "FZR" has been deleted from the claim language for clarity and as being redundant in view of the amendment of independent Claim 12 to refer to SEQ ID NO: 1. Upon presentation of such claim language, the Examiner indicated that she would likely update the search and reconsider the rejections of record.

Restriction/Election

The Applicants note that the Restriction Requirement has now been made FINAL.

Oath/Declaration

The oath was objected to because the citizenship of each inventor was not identified in English. Applicants submit that Rule 1.63(a)(3) only requires that the oath/declaration identify

the country of citizenship of each inventor. For the convenience of the Examiner, the French terms "Hongroise/Hongrois" and "Espagnole" respectively refer to citizens of Hungary and Spain.

Specification

The abstract was objected on the basis of form and for the use of legal phraseology. Applicants submit herewith a revised Abstract and respectfully request that this objection now be withdrawn.

Objection

Claim 3 was objected to as depending from a claim directed to a nonelected invention. This objection is moot in view of the cancellation of Claim 3.

Rejection—35 U.S.C. 112, first paragraph

Claims 3-7 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate description. This rejection is moot in view of the cancellation of these claims.

Rejection—35 U.S.C. 112, second paragraph

Claims 3-7 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. These rejections are moot in view of the cancellation of these claims.

Rejection—35 U.S.C. 102

Claims 3-5 were rejected under 35 U.S.C. 102(b) as being anticipated by GenBank Accession No. AB005230 (02 July 1997). This rejection is moot in view of the cancellation of

these claims, and would not apply to Claims 12-29, which are directed to SEQ ID NO: 1 which is substantially different from the nucleic acid sequence described by Accession No. AB005230—compare both the nucleic acid and amino acid sequences of Accession No. AB005230 and SEQ ID NOS: 1 and 2.

Moreover, the document associated with Accession No. AB005230 was published on September 15, 2002, after the international filing date of the present application. The sequence available before the international filing date corresponds to a non-annotated 74,613 bp DNA sequence (see attached page--GI: 2264302). The borders of the FZR protein were not identified and it was not possible for one of ordinary skill in the art to identify an FZR protein within this sequence before the present invention. Similarly, there is no suggestion that a protein encoded by this nucleic acid sequence would regulate plant differentiation or endoreplication. Accordingly, the Applicants respectfully submit that this rejection does not apply to Claims 12-29.

Rejection—35 U.S.C. 102

Claims 3-5 were rejected under 35 U.S.C. 102(b) as being anticipated by Zhou et al., Mol. Gen. Genet. 257(4): 387-391. This rejection is moot, as Claims 3-5 have been cancelled. It does not apply to Claims 12-29, because Zhou does not describe a nucleic acid having the sequence of SEQ ID NO: 1, nor fragments of SEQ ID NO: 1 (or nucleic acid sequences that crosshybridize to SEQ ID NO: 1) that encode proteins having the ability to regulate plant differentiation or endoreplication. Moreover, the COP protein of Zhou does not contain the FZR peptide consensus sequence of Claim 29. Accordingly, the Applicants respectfully submit that this rejection would not apply to Claims 12-29.

Request for Consideration of Documents Cited in the International Search Report

The Applicants reiterate their request that the Examiner acknowledge on the record that this documents have been considered. For the convenience of the Examiner, the Applicants attach Form 1449 listing these documents. Return of an initialed and signed copy of this Form 1449 is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, the Applicants respectfully submit that this application is now in condition for allowance. Early notification to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon
Attorney of Record
Registration No. 24,618



22850

(703) 413-3000
NFO:TMC:krs
I:\ATTY\TMC\200204US-AM.DOC

Thomas Cunningham

Thomas M. Cunningham, Ph.D.
Registration No. 45,394

DOCKET NO.: 200204US0PCT
SERIAL NO.: 09/701,572

MARKED UP COPY OF AMENDMENT

IN THE SPECIFICATION

Please replace the abstract on page 23 of the specification with the Abstract attached to this response on a separate page.

IN THE CLAIMS

Claims 3-7 (Canceled).

Please add new Claims 12-29:

--Claims 12-29 (New).—

ABSTRACT

Isolated or purified nucleic acids, such as SEQ ID NO: 1, encoding a plant protein with repeated WD-40 motifs or fragments of such a protein that regulate plant differentiation or endoreplication. Vectors, host cells and plants comprising such nucleic acids, as well as antisense nucleic acids corresponding to such nucleic acids. Methods of using such nucleic acids, antisense nucleic acids, vectors, host cells, or proteins, for instance, for regulating plant differentiation or endoreplication.